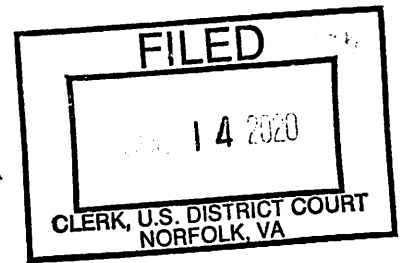


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



DEANDRE JOHNSON, #20182885

Petitioner,

v.

ACTION NO. 2:19-cv-562

**HAROLD W. CLARKE,
Director,**

Respondent.

FINAL ORDER

This matter was initiated by Deandre Johnson's ("Petitioner") *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2254. ECF Nos. 3, 27. Petitioner challenges his June 5, 2019 conviction and sentence in the Spotsylvania County Circuit Court for Strangulation, Rape, Assault and Battery-Family Member, and Unlawful Entry, and his April 19, 2019 conviction in the same court on five counts of Protective Order violations. Director Harold W. Clarke ("Respondent") filed a Motion to Dismiss. ECF No. 30.

This matter was referred to a United States Magistrate Judge for a report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), Eastern District of Virginia Local Civil Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain Matters to United States Magistrate Judges. The Report and Recommendation filed May 14, 2020 recommends dismissal of the petition and that the Motion to Dismiss be granted. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On May 20, 2020, the Court received Petitioner's Objections to the Report and Recommendation. ECF No. 45. Respondent filed no

response to Petitioner's objections and the time for responding has now expired.


The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed May 14, 2020. It is therefore **ORDERED** that Respondent's Motion to Dismiss, ECF No. 30, is **GRANTED**; Petitioner's Motions for Summary Judgment, ECF Nos. 6, 10, 11, 23, and 28, are **DENIED**; Petitioner's Motion for Default Judgment, ECF No. 29, is **DENIED**; Petitioner's Motion for Injunctive Relief, ECF No. 39, is **DENIED**; the Petition, ECF Nos. 3, 27, is **DENIED** and **DISMISSED WITHOUT PREJUDICE**; Petitioner's Motion for Recommendation, ECF No. 7, and Motion for Recusal, ECF No. 35, are **DENIED**; and Petitioner's Motion for Certificate of Appealability ("28 USC 2253 Request"), ECF No. 38, is **DENIED**.

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within **THIRTY (30) DAYS** from the date of entry of such judgment.

Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall provide a copy of this Final Order to Petitioner and counsel of record for Respondent.

Norfolk, Virginia
July 14, 2020



Raymond A. Jackson
United States District Judge